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COMMITTEE ON THE INTERNATIONAL YEAR
FOR HUMAN RIGHTS

DRAFT REPORT OF THE COMMITTEE ON THE INTERNATIONAL YEAR FOR HUMAN RIGHTS

Rapporteur: Mr. Michelangelo PISANI MASSAMORMILE (Italy)

PART III: DRAFT RESOLUTION

185. In Part III of its report, the Working Group submitted to the Committee a draft resolution for consideration and adoption. Because of differences of opinion on the international conference the Working Group decided that the dra resolution would deal only with the earlier parts of its report (ST/SG/AC.5/5, paras. 6-27), and with those parts of section E on which there was a consensus The draft resolution read as follows:

"The Committee on the International Year for Human Rights

"Having been requested by the Commission on Human Rights in resolution 6 (XX) to recommend a programme of measures and activities to undertaken by Member States, the United Nations and specialized agencies celebration of the twentieth anniversary of the Universal Declaration of Human Rights and in the furtherance of human rights and fundamental freed

"Recommends that the Commission on Human Rights invite the General Assembly, through the Economic and Social Council, to adopt the following draft resolution:

A

"The General Assembly,

"Recalling its resolution 1961 (XVIII) of 12 December 1963 designati the year 1968 as International Year for Human Rights,

"Noting the programme of measures and activities to be undertaken in connexion with the International Year for Human Rights and in celebration the twentieth anniversary of the Universal Declaration of Human Rights recommended by the Commission on Human Rights in accordance with that resolution,

I

"1. Calls upon Member States, the specialized agencies, and (the international and national organizations concerned) to devote the year 196 to intensified efforts and undertakings in the field of human rights, and including an international review of achievements in this field;

"2. Approves the programme of observances, measures and activities envisaged for the United Nations in the report of the Committee on the International Year for Human Rights as set out in paragraphs 7 to 14 of that report and requests the Secretary-General to undertake the necessary preparations for such observances and activities in accordance with the recommendations contained in the Committee's report.

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II

"3. Requests the Secretary-General to transmit the present resolution and the report of the Committee to Member States, States members of the specialized agencies, the specialized agencies and non-governmental organizations having consultative status with the Economic and Social Council;

"4. Commends to the consideration of these States, agencies and organizations the programme of measures and activities set out in that report and invites their co-operation and participation in this programme with a view to making the celebrations successful and meaningful;

"5. Invites Member States and States members of the specialized agencies, as part of their intensified domestic efforts in the field of human rights before the beginning of the International Year which was envisaged in operative paragraph 4 of resolution 1961 (XVIII):

"(a) to designate or, where they do not already exist, to establish advisory bodies, composed, (if possible) of independent and impartial individuals of outstanding calibre and including jurists of recognized reputation, to examine all existing domestic legislation in the light of the standards set out in the Universal Declaration of Human Rights, to consider in what respect such legislation may fall short of these standards, and to suggest to the Government the enactment of new or amending laws designed to bring the domestic legislation into conformity with the standards enunciated in the Declaration; and

"(b) to embark upon an intensified three-year educational campaign, culminating in 1968, aimed at mobilizing the energies and resources of universities, colleges, and other institutions of higher learning, the various media of information and mass communication, including the Press, radio and television, and the teaching staff of primary and secondary schools and all interested non-governmental organizations, towards the education of all the people of the country about the situation in respect of the enjoyment of human rights and fundamental freedoms in their own communities and elsewhere, and about further steps required in order to secure the fullest and most effective realization of those rights and freedoms.

III

"6. /Requests... to appoint a Co-ordinating Committee/ to maintain contact with participants in the proposed celebrations and to facilitate the co-ordination of their activities;

"7. Invites the Governments of Member States and States members of the specialized agencies, the specialized agencies (and the interested organizations concerned) to inform the Secretary-General by the end of June 1967 of the action taken or intended to be taken by them in accordance with the present resolution, and invites them to inform him by March 1969 of the action taken during 1968;

"C. Requests the Secretary-General to submit to the General Assembly at its regular session in 1969 a report on these celebrations.

B

"The General Assembly, further

"Convinced that the proposed international review of progress in the field of human rights can advantageously be carried out by means of an International Conference, and

"Believing that the International Year for Human Rights should focus attention and mobilize public opinion throughout the world on human rights and that an international conference could make substantial contributions in this respect....".

186. At the twenty-ninth meeting of the Committee, the representative of the Netherlands suggested that it would hardly be judicious for the Committee to attempt to reformulate the entire draft resolution in order to take into account the recommendations on which it had reached agreement. He therefore proposed that the Committee should confine itself to adopting a very short draft resolution (ST/SG/AC.5/L.5), reading as follows:

"The Committee on the International Year for Human Rights,

"Having been requested by the Commission on Human Rights, in resolution 6 (XX), to recommend a programme of measures and activities to be undertaken by Member States, the United Nations and specialized agencies in celebration of the twentieth anniversary of the Universal Declaration of Human Rights and in the furtherance of human rights and fundamental freedoms,

"Having given due attention to General Assembly resolution 1961 (XVIII), on the designation of 1968 as International Year for Human Rights,

"Submits herewith its report and draws in particular attention to the recommendations contained therein, number I - _____."

187. The representative of France suggested that the operative paragraph of the Netherlands draft resolution should be amended to read: "Submits herewith its report and draws in particular attention to the recommendations which it has regularly adopted". The representative of the Netherlands was unable, however, to accept the suggestion.

188. The representative of Saudi Arabia suggested the insertion of the words "and the comments thereon," after the word "recommendations". The representative of

the Philippines suggested, as an alternative, the insertion of the document symbol after the word "report", and either the deletion of the word "in" or its replacement by the word "its" in the operative paragraph. The representative of the Netherlands accepted the Philippine alternative. He also accepted a suggestion put forward by the representative of the United States of America, to insert the words "to the Commission on Human Rights" after the word "report" in the operative paragraph.

189. The representative of France put, as a formal proposal, the suggestion which he had made that the operative paragraph of the draft resolution should be amended to read: "Submits herewith its report and draws in particular attention to the recommendations which it has regularly adopted."

190. The representative of the Union of Soviet Socialist Republics requested a separate vote on the word "Member", in the first preambular paragraph, explaining that in his view that paragraph should apply to all States and not only to Member States. In this connexion the representative of the Netherlands pointed out that the wording referred to by the representative of the Soviet Union had been taken directly from resolution 6 (XX) of the Commission on Human Rights, and that it was a text which could not be amended. In order to make this clear, he amended the first preambular paragraph by placing quotation marks around the phrase beginning "to recommend" and ending "and fundamental freedoms". Some members of the Committee opposed the proposal to delete the word "Member" on the ground that the resulting text would not correctly reflect the wording of resolution 6 (XX) of the Commission on Human Rights. Others opposed the request for a separate vote on the ground that the Committee had up to that time followed a procedure whereby all decisions were to be taken without recourse to voting and divergent views were to be recorded in the present report. The representative of the Soviet Union did not press his request for a separate vote.

191. With regard to the French proposal (see paragraph ___), there was a discussion in the Committee on the question whether the no-vote procedure which had been adopted by the Committee applied to the draft resolution submitted by the representative of the Netherlands. In this connexion the representative of France expressed the view that the only way to determine the terms of a decision or recommendation was to put the issue to the vote, except when there was unanimity on

a particular question; and that under the rules of procedure of functional commissions of the Economic and Social Council every member of the Committee had an indefeasible right to demand a vote. Other members, however, expressed the hope that the Committee would continue its work in a spirit of compromise, without votes. The representative of the Netherlands maintained that any vote on the substance of his draft resolution should be preceded by a vote on the procedural issue. The Chairman ruled that in view of the ambiguity of the decision which the Committee had taken at its twelfth session, he no longer considered himself to be bound by that decision, and proposed to proceed in accordance with the rules of procedure.

192. In an effort to achieve unanimity in the Committee, the representative of Canada proposed, at the thirty-first meeting, that the operative paragraph of the draft resolution should be amended to read: "Submits herewith its report (_____) to the Commission on Human Rights for its careful consideration." The representative of the Netherlands accepted this amendment and revised his proposal accordingly. The representative of Jamaica, supported by the representative of the Netherlands, requested the Rapporteur to draw the attention of the Commission on Human Rights to the draft proposed by the Working Group, making it clear that the new proposed text, as amended, was a compromise text.

193. The representative of France stated that if the Committee accepted the revised Netherlands proposal, he would withdraw the proposal which he had made at the thirtieth meeting (see paragraph _____).

194. In connexion with the resolution and with the Committee's discussion on section E of the Working Group's report the representative of France made a statement (ST/SG/AC.5/L.7).

195. At its 32nd meeting the Committee adopted the proposal of the representative of the Philippines on behalf also of the representatives of Argentina, Ecuador, France, Guatemala, the Ivory Coast, Jamaica, Lebanon and Uganda, to insert immediately after the resolution the text which appears below in paragraph 197.

196. The Committee unanimously approved the draft resolution submitted by the representative of the Netherlands, as revised, and read as follows:

The Committee on the International Year for Human Rights,

Having been requested by the Commission on Human Rights in resolution 6 (XX) "to recommend a programme of measures and activities to be undertaken by Member States, the United Nations and specialized agencies in celebration of the twentieth anniversary of the Universal Declaration of Human Rights and in the furtherance of human rights and fundamental freedoms",

Having given due attention to General Assembly resolution 1961 (XVIII), on the designation of 1968 as International Year for Human Rights,

Submits herewith its report (_____) to the Commission on Human Rights for its careful consideration.

197. Upon the adoption of the resolution transmitting the report to the Commission on Human Rights, the Representative of France made a declaration with particular reference to the decisions of the Committee in relation with section E of the report of the Working Group, which, together with the statements and observations of other members appear in the Summary Records (ST/SG/AC.5/SR.31-32) of the thirty-first and thirty-second meetings of the Committee.

PART IV

Adoption of the Report

198. At its 32nd-_____ meetings, the Committee considered the draft report submitted by its Rapporteur (ST/SG/AC.5/L.3 and Add.1-). The report, as amended, was adopted by the Committee at its _____ meeting on __ March 1965.

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DRAFT REPORT OF THE COMMITTEE ON THE INTERNATIONAL YEAR FOR HUMAN RIGHTS

Rapporteur: Mr. Michelangelo PISANI MASSAMORMILE (Italy)

6. A History of the Declaration (continued)

199. Replace paragraphs 79-83, document ST/SG/AC.5/L.3/Add.2 by the following:

79. Members of the Committee who favoured the Working Group's proposal expressed the view that the publication of a history of the Universal Declaration of Human Rights and other international instruments in the field of human rights should not merely commemorate the adoption of the Declaration but should also help to promote respect for human rights and fundamental freedoms. In their view, such a publicat would refer not only to progress achieved and current endeavours, but also to work remaining to be done in the field of human rights. They felt that an evaluation of that nature, in national and international terms, could only be effected throug a study prepared by experts.

80. Other members, however, expressed the opinion that the drafting of the proposed history could not be entrusted to experts, as their knowledge of man and of the world was frequently too bookish and impractical. These members, moreover, considered the proposal to prepare a history of the Universal Declaration of Human Rights to be premature, particularly in view of the intense constitutional activit which had occurred in recent years as various countries had achieved their independence. They felt that the proposed history was too ambitious in scope, and that it would cost too much to produce, publish and distribute.

81. In this connexion attention was drawn to the statement submitted by the Secretary-General on the financial implications of the Working Group's proposal (ST/SG/AC.5/5/Add.1, section I), in which the Secretary-General stated that the preparation of a history along the lines proposed by the Working Group would, in his view, call for value judgements with reference to the acceptance of the principles of the Declaration by Member States and their impact on the nationa legislation of such States. The Secretary-General wondered if it would not be mor appropriate for the task to be undertaken by one or several independent scholars, rather than by the Secretariat. As an alternative, the Secretary-General suggeste that a history of the preparation of the various articles of the Universal Declaration of Human Rights might be compiled, based entirely on the summary records of the preparatory bodies (the Commission on Human Rights, its Drafting Committee, the Economic and Social Council and the General Assembly), edited to eliminate references to purely procedural debates and elaborated, where necessary, to make the text understandable without reference to other documentation.

/...

82. While some members of the Committee welcomed the suggestion that a history of the various articles of the Declaration might be compiled on the basis of the summary records of the preparatory bodies, and expressed the view that such a compilation would fill a long-felt need, others expressed the view that such a publication was not needed and might not be of interest to readers throughout the world.

83. Several members of the Committee expressed the view that the publication of a history of the Declaration should be postponed until the findings of the 1968 review conference were known. One member proposed that only a brief popular history of the Declaration should be envisaged, for wide circulation among the general public, and that, in addition, the United Nations should prepare and publish a report on the situation of human rights throughout the world in 1967. Such a report, in the view of that member, should contain: an introduction explaining its scope and setting out the general trends in the field of human rights observed during the period 1945-1967; a legal section indicating important material having a bearing on human rights to be found in constitutions, laws, and judicial decisions, which the authors could cull from the Yearbook on Human Rights; a section on education and the dissemination of the principles of the Declaration, describing the efforts made in schools, universities and other educational institutions and the use of information media; and a section on the activities of the United Nations and the specialized agencies in the field of human rights, which could be compiled by the Secretariat of the United Nations and of the agencies concerned.

83 (a). Some members suggested that the Committee might recommend to the Commission that it should appeal to independent scholars, universities, and other scientific institutions to prepare and to publish books relating to the Universal Declaration of Human Rights and to other United Nations instruments in this field. Other members pointed out that such activities were already under way, and that several privately prepared histories or commentaries on the Declaration had been published and were available on a limited scale.

83 (b). At the thirty-first meeting of the Committee, the representatives of Argentina and Ecuador jointly proposed a text (ST/SG/AC.5/L.6), for inclusion in the Committee's report, which read as follows:

/...

"The Committee discussed the suggestion contained in Economic and Social Council resolution 940 (XXXV) that the United Nations should 'consider, in connexion with arrangements for the twentieth anniversary of the adoption of the Declaration in 1968, the preparation and publication of a history of the Declaration and other international instruments on human rights, with special reference to progress already achieved, current endeavours and work remaining to be done in the field of human rights and with a brief and objective account of the role of the United Nations in the process of decolonization'.

"Bearing in mind the objectives laid down in General Assembly resolution 1961 (XVIII) and resolution 6 (XX) of the Commission on Human Rights, and with a view to making a positive response to the suggestion of the Economic and Social Council, the Committee recommends the following:

"1. The United Nations would publish a short 'History of the Universal Declaration of Human Rights and other instruments on human rights' as a brochure available to the general public, schools, institutions, etc., which would be disseminated as widely as possible. The form and content of the brochure would be decided upon later.

"2. The United Nations would publish, in collaboration with the specialized agencies concerned, a 'World Report on Human Rights, 1967'. This report would review the development of efforts to secure full respect for human rights in the national sphere and the progress achieved during the period 1945-1967. It would also contain an account of the work done by the United Nations and the specialized agencies, and a general appraisal of it. The document would be prepared by the Secretariats of the United Nations and the specialized agencies concerned.

"The report would comprise the following sections:

"(a) Introduction: in which the scope of the report and the general trends observed during the period 1945-1967 would be explained;

"(b) Juridical section: in which there would be general references to the inclusion of human rights provisions in constitutions and laws, and to important legal decisions on human rights;

"(c) A section devoted to education and the dissemination of the principles of the Universal Declaration: in which an account would be given of the efforts made through teaching in primary and secondary schools, universities, special courses, the use of information media, etc.;

"(d) A section devoted to the activities of the United Nations and the specialized agencies concerned (UNESCO, ILO, WHO, FAO) in the field of human rights.

"3. The question of what still remains to be done with regard to human rights and possible supplementary measures, and the appraisals, should be left to the experts who will prepare the technical studies for submission to the international meeting in 1968."

200. With regard to paragraph 1 of the joint proposal, the representative of the United Nations Office of Public Information stated that the Office planned to publish, for distribution in connexion with the observance of the International Year for Human Rights, revised and up-to-date editions of two publications relating to the Universal Declaration of Human Rights: United Nations Work for Human Rights and The Universal Declaration of Human Rights: A Standard of Achievement. He added that the Office also hoped to bring out, in collaboration with the Division of Human Rights and the interested specialized agencies, a booklet based entirely on the theme of the International Year. These publications would include, in a popular form, a short history of the Universal Declaration of Human Rights and other international instruments in this field.

201. With regard to paragraph 2 of the joint proposal, there was considerable discussion in the Committee. It was pointed out that in certain respects the report envisaged in that paragraph was not as comprehensive as the one which the Economic and Social Council had envisaged in resolution 940 (XXXV); in particular, the joint proposal did not refer to the implementation of the provisions of the Universal Declaration of Human Rights and other instruments in this field, and did not include any mention of a history of the activities of the United Nations with reference to decolonization.

202. The representatives of India, Ghana, Guatemala, and the Union of Soviet Socialist Republics pointed out that the proposed world report on human rights should contain a section devoted to decolonization; and remarked that decolonization was one of the most important aspects of the work of the United Nations in the field of human rights. The sponsors of the joint text had no objection to adding an appropriate reference to the work of the United Nations in decolonization to paragraph 2.

203. Some members of the Committee expressed the view that the proposed world report on human rights would, to a certain extent at least, duplicate the preparatory work for the international conference on human rights, and indicated their preference for the work of preparing the report to be undertaken by experts rather than by members of the Secretariat. Other members stated, however, that in their view the Secretary-General would experience no difficulty in preparing

the report, which would be technical in nature, would avoid critical appraisals of the activities of Governments, and would not require any value judgements with reference to the substance of national legislation.

204. Some members objected to the proposed report on the ground that its cost would not be justifiable. In this connexion, however, it was pointed out that a summary of the financial implications of the proposal was not available.

205. While paragraph 3 of the joint proposal was supported by some members of the Committee, others proposed that it should be deleted as unnecessary.

206. At the end of the discussion, the Committee decided to make no recommendations to the Commission on Human Rights with regard to the preparation of a history of the Universal Declaration and it agreed on the suggestion put forward by the representative of the United States to include the proposed text of Argentina and Ecuador in the Committee's report, as well as the views expressed by members on this matter, in order that the Commission on Human Rights might consider the matter further after all the necessary information was at hand. In this regard, the Committee also agreed to the suggestion of the representative of the Netherlands that the Secretary-General should be requested to present a more detailed statement on the financial implications concerning the matters under consideration.

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Rapporteur: Mr Michelangelo PISANI MASSAMORMILE (Italy)

The following additional paragraphs should be inserted after para. 72 of document ST/SG/AC.5/L.3/Add.2:

72 (a) In the light of the Committee's discussion at its thirtieth meeting, the representative of the Ukrainian SSR also requested that the present report should record the view of his Government to the effect that the following text might have been included in paragraph 8: "The United Nations should undertake effective action to help to safeguard the most important political, civil, economic and social rights of the peoples. It is important that the principles relating to the protection of human rights should not merely be declared, but should be made obligations of States under international law."

In this connexion, the representative of Costa Rica pointed out that although he was in agreement with the substance of the Ukrainian SSR's suggestion he could not, however, be in favour of amending the paragraph after it had been adopted by the Committee.

The following sentence should be added at the end of para. 97 of document ST/SG/AC.5/L.3/Add.3:

"The Committee agreed that an appeal should be addressed to the Governments of the surviving members to meet the expenditures resulting from the invitation."

The following additional paragraph should be inserted in document ST/SG/AC.5/L.3/Add.3:

"98 (a) Paragraph 14 of the Working Group reads as follows:

1. International Conference

The proposed International Conference to review the progress made in the field of human rights would, if agreed upon, be one of the activities and ceremonies by the United Nations to be held during 1968. The proposal is examined in greater detail in Section E (paras. 28-35) below."

98 (b) At its twenty-eighth meeting, the Committee, after a brief discussion, agreed on the following text to be submitted to the Commission on Human Rights:

VII (a)

The proposed International Conference to review the progress made in the field of human rights would, if agreed upon, be one of the activities and ceremonies to be sponsored by the United Nations during 1968.